

WSR 22-03-018
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF TRANSPORTATION

[Filed January 7, 2022, 4:34 p.m.]

Subject of Possible Rule Making: Chapter 468-51 WAC, Highway access management access permits—Administrative process; specifically, WAC 468-51-060 Application requirements and procedures and 468-51-020 Definitions.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 47.01.101; and chapter 47.50 RCW.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Chapter 468-51 WAC addresses rights of access to a state route by owners or occupants of abutting properties. Such rights are established through the issuance of connection permits by the Washington state department of transportation (WSDOT) pursuant to this chapter. WAC 468-51-060 prescribes the requirements for connection permit applications. Through this filing, WSDOT is endeavoring to revise WAC 468-51-060 and corresponding definitions in WAC 468-51-020 to clarify the eligibility of both abutting property owners and easement holders as prospective applicants.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: Federal Highway Administration (FHWA). WSDOT coordinates the development of all policies related to highway access with FHWA. Each step of the rule-making process with [will] be closely coordinated with FHWA.

Process for Developing New Rule: Negotiated rule making.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Ahmer Mizam, P.O. Box 47329, Olympia, WA 98504-7329, phone 360-870-2383, fax 360-704-6381, email nizama@wsdot.wa.gov; or LeRoy Patterson, P.O. Box 47329, Olympia, WA 98504-7329, phone 360-556-83126 [360-705-7266], email patterl@wsdot.wa.gov.

January 7, 2022
Sam Wilson
Business Support Services

WSR 22-03-026

PREPROPOSAL STATEMENT OF INQUIRY

BUILDING CODE COUNCIL

[Filed January 10, 2022, 2:16 p.m.]

Subject of Possible Rule Making: Chapter 51-52 WAC, Adoption and amendment of the 2021 International Mechanical Code and International Fuel Gas Code with Washington State Amendments.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 19.27.031, 19.27.074.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The council is reviewing the 2021 changes to the national model code and associated codes and standards and soliciting changes to these documents and the existing state amendments: The 2021 International Mechanical Code, the 2021 International Fuel Gas Code, the 2021 National Fuel Gas Code (NFPA 54), and the 2020 Liquefied Petroleum Gas Code (NFPA 58).

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: Not applicable.

Process for Developing New Rule: Technical advisory group review.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Krista Braaksma, P.O. Box 41449, Olympia, WA 98504-1449, phone 360-407-9278, email SBCC@des.wa.gov, website sbcc.wa.gov.

January 10, 2022
Andrew S. Klein
Acting Council Chair

WSR 22-03-027

PREPROPOSAL STATEMENT OF INQUIRY
BUILDING CODE COUNCIL

[Filed January 10, 2022, 2:18 p.m.]

Subject of Possible Rule Making: Chapter 51-11R WAC, Adoption and amendment of the 2021 Washington State Energy Code, Residential.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 19.27A.020, 19.27A.160.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The state building code council (council) regularly reviews the Washington state building code, as outlined in chapter 51-04 WAC and RCW 19.27A.020, to evaluate revisions made to the codes by the national model code committees, and to consider proposals for statewide code amendments. Additionally, RCW 19.27A.160 directs the council to adopt energy codes that incrementally move towards achieving a 70 percent net energy consumption compared to the 2006 Washington State Energy Code. The estimated effective date of the 2021 codes is July 1, 2023.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: Not applicable.

Process for Developing New Rule: Stakeholder and subject expert technical advisory group review.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Krista Braaksma, P.O. Box 41449, phone 360-407-9278, fax 360-586-9088, email krista.braaksma@des.wa.gov, website www.sbcc.wa.gov.

January 10, 2022 [2022]
Andrew S. Klein
Acting Council Chair

WSR 22-03-032

PREPROPOSAL STATEMENT OF INQUIRY
BUILDING CODE COUNCIL

[Filed January 11, 2022, 1:02 p.m.]

Subject of Possible Rule Making: Chapter 51-50 WAC, Adoption and amendment of the 2021 International Building Code, nonstructural provisions.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 19.27.031, 19.27.074.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The state building code council regularly reviews the Washington state building code, as outlined in chapter 51-04 WAC and RCW 19.27.074, to evaluate revisions made to the International Building Code, and to consider proposals for statewide code amendments. The estimated effective date of the 2021 codes is July 1, 2023.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: Not applicable.

Process for Developing New Rule: Stakeholder and subject expert technical advisory group review.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting John McEntyre, Code Specialist, 1500 Jefferson Street S.E., Olympia, WA 98504-1449, phone 360-801-6633, email john.mcentyre@des.wa.gov, website www.sbcc.wa.gov.

January 10, 2022
Andrew S. Klein
Chair

WSR 22-03-033

PREPROPOSAL STATEMENT OF INQUIRY
BUILDING CODE COUNCIL

[Filed January 11, 2022, 1:02 p.m.]

Subject of Possible Rule Making: Chapter 51-50 WAC, Adoption and amendment of the 2021 International Existing Building Code.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 19.27.031, 19.27.074.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The state building code council regularly reviews the Washington state building code, as outlined in chapter 51-04 WAC and RCW 19.27.074, to evaluate revisions made to the International Existing Building Code, and to consider proposals for statewide code amendments. The estimated effective date of the 2021 codes is July 1, 2023.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: Not applicable.

Process for Developing New Rule: Stakeholder and subject expert technical advisory group review.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting John McEntyre, Code Specialist, 1500 Jefferson Street S.E., Olympia, WA 98504-1449, phone 360-801-6633, email john.mcentyre@des.wa.gov, website www.sbcc.wa.gov.

January 10, 2022
Andrew S. Klein
Chair

WSR 22-03-035
PREPROPOSAL STATEMENT OF INQUIRY
POLLUTION LIABILITY
INSURANCE AGENCY

[Filed January 11, 2022, 2:17 p.m.]

Subject of Possible Rule Making: The pollution liability insurance agency (PLIA) proposes to amend chapter 374-70 WAC, Heating oil pollution liability insurance program, to reflect statutory changes and to update how the agency administers the program.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 70A.330.040.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Under RCW 70A.330.040, Washington's legislature authorized PLIA to establish the heating oil pollution liability insurance program to assist owners and operators of heating oil tanks. In 2020, the legislature directed PLIA to transition the heating oil insurance program to the agency's revolving loan and grant program as described in chapter 70A.345 RCW. PLIA has since made updates in how the heating oil insurance program is administered and requires these updates to be reflected in rules.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: PLIA provides advice and technical assistance to heating oil tank owners with a confirmed release as well as pay the clean-up costs for program registrants. PLIA's services ensure that clean-up efforts meet the substantive requirements of the Model Toxics Control Act, chapters 70A.305 RCW and 173-340 WAC. The department of ecology regulates and enforces cleanup of hazardous waste sites such as heating oil contamination. PLIA will communicate with and inform the department of ecology of potential impacts.

Process for Developing New Rule: PLIA will follow the standard process for the adoption of rules under the Administrative Procedure Act (chapter 34.05 RCW).

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Phi Ly, P.O. Box 40930, Olympia, WA 98504, phone 800-822-3905, email rules@plia.wa.gov, website www.plia.wa.gov.

January 11, 2022

Phi Ly

Legislative and Policy Manager

WSR 22-03-040
WITHDRAWAL OF
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF HEALTH

[Filed January 12, 2022, 9:24 a.m.]

This memo serves as notice that the Washington medical commission (commission) is withdrawing the CR-101 for WAC 246-919-XXX allopathic physicians and 246-918-XXX allopathic physician assistants. The commission was considering creating new rule sections to establish a clinical assistance program to resolve practice deficiencies that may not rise to the level of a license sanction or revocation through a plan of education, training, and/or supervision. The CR-101 was filed February 22, 2018, and published in WSR 18-06-007.

Since the CR-101 was filed in 2018, the commission has held 11 workshops for this rule making. The draft language has been discussed and revised at each workshop. The draft has evolved in such a way that it is now outside of the scope of the CR-101. As such, at their November 19, 2021, business meeting, the commission determined that the CR-101 should be rescinded and no further action [be] taken at this time.

Individuals requiring information on this rule should contact Amelia Boyd, program manager, at 360-918-6336.

Tami M. Thompson
Regulatory Affairs Manager

WSR 22-03-046
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Aging and Long-Term Support Administration)
[Filed January 12, 2022, 1:14 p.m.]

Subject of Possible Rule Making: The department is planning to reconcile the differences in the training section language between chapters 388-112A and 388-71 WAC, update language related to new technologies, and update language related to inclusivity. The department may amend other related rules as required.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 74.08.090, 74.39A.009, 74.39A.070, 70.128.230.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Training requirements for all long-term care workers are regulated by the same policies. Long-term care workers who work in home environments are regulated under chapter 388-71 WAC, while workers in assisted living facilities, enhanced services facilities, and adult family homes are regulated under chapter 388-112A WAC. As the result of many years of amendments and additions to rules that were not done in concert between the two chapters, the language between chapters 388-71 and 388-112A WAC have diverged resulting in differences. These differences cause unnecessary confusion. The modifications contained in this proposal will not change policy or practice, but will reconcile the differences, update language, and create more current and uniform policies for long-term care workers.

Process for Developing New Rule: The department of social and health services (DSHS) welcomes the public to take part in developing the rules. Anyone interested should contact the staff person identified below. At a later date, DSHS will file a proposal with the office of the code reviser with a notice of proposed rule making. A copy of the proposal will be sent to everyone on the mailing list and to anyone who requests a copy.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Angel Sullivan, P.O. Box 45600, Olympia, WA 98504-5600, phone 360-725-2495, fax 360-438-8633, TTY 1-800-833-6388, email angel.sullivan@dshs.wa.gov.

January 12, 2022
Katherine I. Vasquez
Rules Coordinator

WSR 22-03-050
PREPROPOSAL STATEMENT OF INQUIRY
HEALTH CARE AUTHORITY

[Filed January 13, 2022, 10:44 a.m.]

Subject of Possible Rule Making: New chapter 182-75 WAC, Health care cost transparency board; other related rules as appropriate.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 41.05.021, 41.05.160; chapter 70.390 RCW; and SSHB [2SHB] 2457, chapter 340, Laws of 2020.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: To implement data submission requirements for payers related to the health care cost benchmark established by the health care cost transparency board as required under chapter 70.390 RCW. During the course of this review, HCA may identify additional related changes that are required in order to improve clarity or update policy.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: Not applicable.

Process for Developing New Rule: The agency welcomes the public to take part in developing this rule. If interested, contact the person identified below to receive an early rule draft to review. After the early review, the agency will send a notice of proposed rule making (CR-102) to everyone receiving this notice and anyone who requests a copy.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Jason Crabbe, Rulemaking Questions, P.O. Box 42716, Olympia, WA 98504-2716, phone 360-725-9563, fax 360-586-9727, telecommunication[s] relay service (TRS) 711, email jason.crabbe@hca.wa.gov, website www.hca.wa.gov/about-hca/rulemaking; or AnnaLisa Gellermann, Program Questions, P.O. Box 45502, Olympia, WA 98504-5502, phone 360-725-0491, fax 360-586-9727, TRS 711, email annalisa.gellermann@hca.wa.gov, website www.hca.wa.gov/about-hca/rulemaking.

January 13, 2022
Wendy Barcus
Rules Coordinator

WSR 22-03-052

PREPROPOSAL STATEMENT OF INQUIRY

DEPARTMENT OF HEALTH

[Filed January 13, 2022, 12:56 p.m.]

Subject of Possible Rule Making: WAC 246-811-070, 246-811-076, and 246-811-300 in chapter 246-811 WAC, Substance use disorder professionals and substance use disorder professional trainees. The department of health (department) is considering updating the chapter to amend national certification requirements, include pharmacists as a profession eligible for the alternative training program, remove AIDS training from the probationary licensure requirements, and make other housekeeping updates as appropriate.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 18.205.060.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The department is considering several changes to increase the substance use disorder professional (SUDP) workforce, which is understaffed, and to remove a reference to a repealed training.

First, the department will consider amending the national certification requirements in WAC 246-811-070 to facilitate SUDPs from other states becoming certified in Washington.

Second, the department will consider amending WAC 246-811-076 based on a petition received by the department in 2018. This potential amendment would add pharmacists as a profession eligible for the alternative training path, which allows members of certain health professions to be credentialed after completing abbreviated education and experience requirements.

Finally, the department will consider removing the reference to an obsolete training from WAC 246-811-300, as the original statutory requirement for AIDS training was repealed in 2020 and subsequently removed from department rules.

Process for Developing New Rule: Collaborative.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Ted Dale, P.O. Box 47852, Olympia, WA 98512, phone 360-236-2991, TTY 711, email ted.dale@doh.wa.gov.

Additional comments: Rule-making notices will be delivered via GovDelivery. To receive notices, interested persons should sign up for substance use disorder professionals or substance use disorder professional trainees list. Please go to <https://public.govdelivery.com/accounts/WADOH/subscriber/new>. After signing in, please click open the box labeled "Health Systems Quality Assurance." Next click open the box labeled "Health Professions." From there, you may check the box next to one or more of the professions listed.

January 13, 2022
Kristin Peterson, JD
Deputy Secretary
Policy and Planning
for Umair A. Shah, MD, MPH
Secretary

WSR 22-03-057

PREPROPOSAL STATEMENT OF INQUIRY
HEALTH CARE AUTHORITY

[Filed January 14, 2022, 8:43 a.m.]

Subject of Possible Rule Making: WAC 182-51-0050 Authority and purpose, 182-51-0100 Definitions, 182-51-0200 Reporting entity registration, 182-51-0300 Health carriers—Cost utilization data reporting, 182-51-0400 Pharmacy benefit managers—Data reporting, 182-51-0500 Pharmacy benefit managers—Compliance, 182-51-0600 Manufacturers—Data and price reporting, 182-51-0800 Pharmacy services administrative organizations—Data reporting, 182-51-1200 Extension of deadlines, 182-51-1600 Process to appeal determination of a violation and assessed fines; other related rules as appropriate.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 41.05.021, 41.05.160, 43.71C.110.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The agency is amending sections of chapter 182-51 WAC, the drug price transparency program, to add agency flexibility to reporting deadlines and increase program clarity by adding definitions and rewording requirements. During this review, the health care authority may identify additional related changes that are required to improve clarity or update policy.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: Not applicable.

Process for Developing New Rule: The agency welcomes the public to take part in developing this rule. If interested, contact the person identified below to receive an early rule draft to review. After the early review, the agency will send a notice of proposed rule making (CR-102) to everyone receiving this notice and anyone who requests a copy.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Brian Jensen, Rulemaking Questions, P.O. Box 42716, Olympia, WA 98504-2716, phone 360-725-0815, fax 360-586-9727, telecommunication[s] relay service (TRS) 711, email brian.jensen@hca.wa.gov, website www.hca.wa.gov/about-hca/rulemaking; or Julie Colacurcio, Program Questions, P.O. Box 45502, Olympia, WA 98504-5502, phone 360-725-9585, fax 360-586-9727, TRS 711, email Julie.colacurcio@hca.wa.gov, website www.hca.wa.gov/about-hca/rulemaking.

January 14, 2022
Wendy Barcus
Rules Coordinator

WSR 22-03-069

PREPROPOSAL STATEMENT OF INQUIRY

GAMBLING COMMISSION

[Filed January 14, 2022, 3:03 p.m.]

Subject of Possible Rule Making: The gambling commission is considering amending existing rules and [and] adopting new rules to allow for centralized surveillance of licensed card rooms in Washington state.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 9.46.070.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The gambling commission received a petition requesting the ability to monitor card room gambling activity from a centralized surveillance room.

Process for Developing New Rule: Negotiated rule making.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Ashlie Laydon, P.O. Box 42400, Olympia, WA 98504-2400, phone 360-486-3473, TTY 360-486-3637, email rules.coordinator@wsgc.wa.gov, website www.wsgc.wa.gov, ashlie.laydon@wsgc.wa.gov.

January 14, 2022
Ashlie Laydon
Rules Coordinator

WSR 22-03-070

PREPROPOSAL STATEMENT OF INQUIRY

GAMBLING COMMISSION

[Filed January 14, 2022, 3:04 p.m.]

Subject of Possible Rule Making: The gambling commission is considering amending existing rules and adopting new rules to allow for the use of ticket-in/ticket-out devices and/or equipment, such as an iDROP kiosk, in licensed card rooms, for table games play.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 9.46.070.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The gambling commission received a petition requesting the ability to use ticket-in/ticket-out using an iDROP kiosk device in licensed card rooms to purchase and redeem tickets for table games play.

Process for Developing New Rule: Negotiated rule making.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Ashlie Laydon, P.O. Box 42400, Olympia, WA 98504-2400, phone 360-486-3473, TTY 360-486-3637, email rules.coordinator@wsgc.wa.gov, website www.wsgc.wa.gov, ashlie.laydon@wsgc.wa.gov.

January 14, 2022
Ashlie Laydon
Rules Coordinator

WSR 22-03-073
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
LABOR AND INDUSTRIES

[Filed January 18, 2022, 8:25 a.m.]

Subject of Possible Rule Making: Changes under consideration to the plumber rules under chapter 296-400A WAC, Plumber certification rules.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapter 153, Laws of 2020, SB 6170; and chapter 18.106 RCW.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The department of labor and industries (L&I) is considering changes to the plumbing rules under chapter 296-400A WAC, Plumber certification rules. The changes under consideration:

- Increase fees by 5.58 percent to cover operating expenses.
- Modify rules to address the legislative changes under the 2020 Plumbing Act (SB 6170, chapter 153, Laws of 2020). The changes under consideration include, but are not limited to:
 - Adding new fees and penalties;
 - Modifying the definitions;
 - Modifying plumbing certificates and competency examinations; and
 - Modifying records and licenses plumbing contractors need to keep and report.
- Modify rules for general updates, clarity, housekeeping, and other rule changes.

This rule making is necessary to make changes to the plumber certification rules due to the passage of SB 6170, as well as to make general updates to existing rules for clarity, consistency, and to ensure the rules are up-to-date.

The fee increase is the office of financial management's maximum allowable fiscal growth factor for fiscal year 2023. A fee increase is necessary to ensure the plumber program's revenues match expenditures, otherwise, service levels may need to be reduced.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: Not applicable.

Process for Developing New Rule: L&I will develop the rule language with input from stakeholders. Interested parties may participate in the decision to adopt the amended rules and formulation of the rules before publication by contacting the individual below. The public may also participate, after amendments are proposed, by providing written comments and/or testimony during the public hearing and comment period.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Alicia Curry, L&I, Field Services and Public Safety Division, P.O. Box 44400, Olympia, WA 98504-4400, phone 360-902-6244, fax 360-902-5292, email Alicia.Curry@Lni.wa.gov, website <https://www.lni.wa.gov/rulemaking-activity/?query=296-400A>.

January 18, 2022
Joel Sacks
Director

WSR 22-03-078

PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF ECOLOGY

[Order 21-12—Filed January 18, 2022, 9:29 a.m.]

Subject of Possible Rule Making: Ecology is revising two rules: Chapter 173-423 WAC, Clean vehicles program; and chapter 173-400 WAC, General air quality regulations for air pollution sources.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapter 70A.30 RCW, Motor vehicle emission standards; and chapter 70A.15 RCW, Washington Clean Air Act.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: **Chapter 173-423 WAC, Clean vehicles program.** RCW 70A.30.010 directs ecology to adopt rules implementing California's vehicle emission standards and to amend the rule to maintain consistency with the California motor vehicle emission standards and 42 U.S.C. Section 7507.

The rule making will:

- Adopt California's heavy-duty engine and vehicle omnibus regulation and associated amendments. These rules require cleaner, less polluting heavy-duty engines.
- Adopt California's advanced clean cars II. This rule that will increase the zero emission vehicle (ZEV) sales of passenger cars, light-duty trucks and medium-duty vehicles requirement to 100 percent starting in 2035.
- Update the adoption date of California's rules.

The rule making will also include the following:

- Advanced clean cars II: Evaluate and potentially adopt credit options to determine whether and how to distribute credits to manufacturers for compliance with the advanced clean cars II rule. The new rule is expected to rely in part on banked credits. The rule may explore and/or adopt other pathways or mechanisms to address the same issue.
- Credit for ZEV sales: Evaluate and potentially adopt provisions to provide a manufacturer with credits for a ZEV sale before our program starts in 2024. This could ensure Washingtonians have access to the widest variety of vehicle models in 2022 and 2023.
- Fleet reporting: Require large entities (fleet owners, businesses, government agencies, municipalities, brokers, transit agencies, etc.) to report information about vehicles over 8,500 pounds. This requirement is part of California's advanced clean trucks rule. The inventory of the existing heavy-duty fleet and information on where these vehicles operate would enable us to develop a statewide strategy to reduce their emissions.

Transportation accounts for 45 percent of greenhouse gas emissions and is the largest source of nitrogen oxide emissions in Washington. We cannot make meaningful progress to address climate change without significantly reducing vehicle emissions. Along with cutting greenhouse gases, reducing emissions from vehicles will improve air quality and protect public health, especially in communities living near a transportation corridor. Since more low-income people and people of color live in these communities, they are negatively impacted by vehicle emissions. The new heavy-duty truck engine standards reduce emissions of nitrogen oxide by 90 percent and fine particles by 50 percent. Exposure to these pollutants is linked to serious health

problems, including asthma, lung, and heart disease. The rule changes also add other requirements that reduce emissions and extend engine warranties.

Chapter 173-400 WAC, General air quality regulations for air pollution sources. The rule making will update the adoption date of federal rules. Ecology can only implement and enforce federal rules that the rule adopts by reference. This action will amend the following sections:

- WAC 173-400-025 Adoption by reference.
- WAC 173-400-050 Emission standards for combustion and incineration units.
- WAC 173-400-070 Emission standards for certain source categories.
- WAC 173-400-115 Standards of performance for new sources.
- WAC 173-400-720 Prevention of significant deterioration (PSD).

The rule will retain the current definition of "project emissions accounting."

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: 42 U.S.C. Section 7507 (also known as Section 177 of the Clean Air Act) allows states to adopt and enforce California's vehicle emission standards instead of the federal ones if the state standards are identical to the California standards. We are coordinating with California on the adoption of these rules.

Process for Developing New Rule: Ecology will follow the standard process for the adoption of rules under the Administrative Procedure Act (chapter 34.05 RCW).

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Elena Guilfoil, Department of Ecology, Air Quality Program, P.O. Box 47600, Olympia, WA 98504-7600, phone 360-972-5166, for Washington relay service or TTY call 711 or 877-833-6341, email elena.guilfoil@ecy.wa.gov, website <https://ecology.wa.gov/Regulations-Permits/Laws-rules-rulemaking/Rulemaking/WAC-173-423Jan18>.

Additional comments: Interested parties can stay informed about the rule making and public involvement opportunities as described above. Ecology will extend an offer for government-to-government consultation with tribal governments during each phase of rule development.

January 18, 2022
Kathy Taylor
Air Quality Program Manager

WSR 22-03-086
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
FISH AND WILDLIFE

[Filed January 18, 2022, 12:21 p.m.]

Subject of Possible Rule Making: Amendments to Washington department of fish and wildlife's (WDFW) coastal commercial salmon fishing rules, resulting from the 2022 North of Falcon recommendations.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 77.04.012, 77.04.020, 77.04.055, 77.12.045, and 77.12.047.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Coastal commercial salmon fishing rules are based on North of Falcon recommendations that change from year to year to reflect resource availability and to achieve conservation goals. Amendments to coastal commercial salmon fishing rules are needed to implement the agreed upon changes.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: National Oceanic and Atmospheric Administration Fisheries and the National Marine Fisheries Service. These agencies, as well as WDFW, the Pacific Fisheries Management Council, and the Pacific Salmon Commission, all provide input and take part in the North of Falcon meetings and recommendations.

Process for Developing New Rule: Agency study.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Kelly Henderson, phone 855-925-2801 project code 3643, email 2022NOFCoastalCommercial101@PublicInput.com, website <https://publicinput.com/2022NOFCoastalCommercial101>, background <https://wdfw.wa.gov/fishing/management/north-falcon>; or Barbara McClellan, 48 Devonshire Road, Montesano, WA 98563, phone 360-249-1213, fax 360-249-1229, email Barbara.McClellan@dfw.wa.gov.

Additional comments: Assistance for language translation, alternate format or reasonable accommodation: Contact Title VI/ADA compliance coordinator, phone 360-902-2349, TTY 1-800-833-6388 or 711, email Title6@dfw.wa.gov. For more information, see <https://wdfw.wa.gov/accessibility/requests-accommodation>.

January 14, 2022
Annie Szvetecz
Rules Coordinator

WSR 22-03-087
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
FISH AND WILDLIFE

[Filed January 18, 2022, 12:23 p.m.]

Subject of Possible Rule Making: The department is considering amending current Puget Sound commercial fishing rules resulting from stakeholder recommendations made during the 2022 North of Falcon process.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 77.04.012, 77.04.020, 77.04.055, 77.12.045, and 77.12.047.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The Puget Sound commercial salmon fishing rules based on North of Falcon recommendations that change from year to year to reflect resource availability and to achieve conservation goals. Amendments to recreational fishing rules are needed to implement the agreed upon changes.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: National Oceanic and Atmospheric Administration Fisheries and the National Marine Fisheries Service. These agencies, as well as Washington department of fish and wildlife, the Pacific Fisheries Management Council, and the Pacific Salmon Commission, all provide input and/or take part in the North of Falcon meetings and recommendations.

Process for Developing New Rule: Agency study.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Kelly Henderson, phone 855-925-2801 project code 3643, email 2022NOFPugetSoundCommercial101@PublicInput.com, website <https://publicinput.com/2022NOFPugetSoundCommercial101>, background <https://wdfw.wa.gov/fishing/management/north-falcon>.

Additional comments: Assistance for language translation, alternate format, or reasonable accommodation: Contact Title VI/ADA compliance coordinator, phone 360-902-2349, TTY 1-800-833-6388 or 711, email Title6@dfw.wa.gov. For more information, see <https://wdfw.wa.gov/accessibility/requests-accommodation>.

January 14, 2022
Annie Szvetcz
Rules Coordinator

WSR 22-03-088
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
FISH AND WILDLIFE

[Filed January 18, 2022, 12:24 p.m.]

Subject of Possible Rule Making: The department is considering amending current recreational fishing rules resulting from stakeholder recommendations made during the 2022 North of Falcon process.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 77.04.012, 77.04.020, 77.04.055, 77.12.045, and 77.12.047.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The recreational fishing rules based on North of Falcon recommendations change from year to year to reflect resource availability and to achieve conservation goals. Amendments to recreational fishing rules are needed to implement the agreed upon changes.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: There are several other agencies involved in this rule making in association with the Pacific Fisheries Management Council (PFMC) season setting process including the National Oceanic and Atmospheric Agency fisheries division (National Marine Fisheries Service). These agencies, as well as Washington department of fish and wildlife, all provide input and/or take part in the PFMC/North of Falcon season setting meeting.

Process for Developing New Rule: Agency study.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Kelly Henderson, phone 855-925-2801 project code 4348, email 2022NOFRecreationalCommercial101@PublicInput.com, website <https://publicinput.com/2022NOFRecreationalCommercial101>, background <https://wdfw.wa.gov/fishing/management/north-falcon>.

Additional comments: Contact Title VI/ADA compliance coordinator, phone 360-902-2349, TTY 1-800-833-6388 or 711, email Title6@dfw.wa.gov. For more information, see <https://wdfw.wa.gov/accessibility/requests-accommodation>.

January 14, 2022
Annie Szvetcz
Rules Coordinator

WSR 22-03-089
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
FISH AND WILDLIFE

[Filed January 18, 2022, 12:27 p.m.]

Subject of Possible Rule Making: The department is considering amendments to WAC 220-220-230 related to the free fishing weekend in June of each year. The considered changes may include changing the date as well as what fish and shellfish species are "free" to fishing without a state license.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 77.32.025.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Amendments being considered intend to address management concerns related to catch accounting.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: Washington state parks and recreation commission and Washington department of natural resources.

Process for Developing New Rule: Agency study.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Annie Szvetecz, agency rules coordinator, phone 855-925-2801 project code 5860, email FreeFishing101@PublicInput.com, website <https://publicinput.com/FreeFishing101>. Contact for submitting comments; or Kirt Hughes, phone 360-480-2421, email kirt.hughes@dfw.wa.gov. Contact for questions.

Additional comments: Assistance for additional accessibility and persons with disabilities contact: Title VI/ADA compliance coordinator, phone 360-902-2349, TTY 1-800-833-6388 or 711, email Title6@dfw.wa.gov.

January 14, 2022
Annie Szvetecz
Rules Coordinator

WSR 22-03-090
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Aging and Long-Term Support Administration)
[Filed January 18, 2022, 12:35 p.m.]

Subject of Possible Rule Making: The department is planning to amend new freedom waiver WAC 388-106-1400 through 388-106-1480.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 74.08.090 and 74.09.520.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The intent of this rule making is to amend new freedom WAC that have not be [been] updated since 2013. The department intends to update language that will enable participants to receive covered goods and services more timely, to clarify goods and services items that cannot be purchased under the new freedom program, and other minor language updates.

Process for Developing New Rule: The department of social and health services (DSHS) welcomes the public to provide feedback in developing these rules. Anyone interested may contact the staff person identified below. Later, DSHS will file a proposal with the office of the code reviser with a notice of proposed rule making. A copy of the proposal will be sent to everyone on the mailing list and to anyone who requests a copy.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Angel Sullivan, P.O. Box 45600, Olympia, WA 98504, phone 360-725-2495, fax 360-438-8633, TTY 1-800-833-6388, email angel.sullivan@dshs.wa.gov.

January 18, 2022
Katherine I. Vasquez
Rules Coordinator

WSR 22-03-095
PREPROPOSAL STATEMENT OF INQUIRY
HIGHLINE COLLEGE

[Filed January 18, 2022, 4:55 p.m.]

Subject of Possible Rule Making: Amend WAC 132I-126-505, 132I-126-565, and 132I-126-585.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Campus Sex Crimes Prevention Act (§ 1601 of the Victims of Trafficking and Violence Protection Act of 2000): Public Law No. 106-386 (Title VI); Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (Clery Act) and Violence Against Women Act: 20 U.S.C. § 1092(f); Title IX of the Education Amendment of 1972: 20 U.S.C. §§ 1681-1688; and Title VII of the Civil Rights Act of 1964: 42 U.S.C. §§ 2000e-2000e-17.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Highline College is required by the United States Department of Education (DOE) to comply with the recently adopted Title IX regulations, which took effect on August 14, 2020. It is recommended by DOE for institutions of higher education to comply with the letter dated August 24, 2021, from the assistant secretary of DOE Office of Civil Rights regarding Title IX regulations, <https://www2.ed.gov/about/offices/list/ocr/docs/202108-titleix-VRLC.pdf>.

Process for Developing New Rule: Pilot rule making.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Ay Saechao, Mailstop 6-7, P.O. Box 98000, phone 206-592-3303, email asaechao@highline.edu.

January 14, 2021

Ay Saechao

Dean of Student Support and Funding Services

WSR 22-03-102

PREPROPOSAL STATEMENT OF INQUIRY

DEPARTMENT OF LICENSING

[Filed January 19, 2022, 11:29 a.m.]

Subject of Possible Rule Making: Auctioneers, bail bond and bond recovery agents, body art, piercing, and tattooing, camping resorts, collection agencies, combative sports, commercial telephone solicitors, cosmetology, certified court reporters, employment agencies, home inspectors, notary publics, private investigators, scrap metal businesses, security guards, sellers of travel, timeshares, and white-water river outfitters WAC that reference fees.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 43.24.086 Fee policy for professions, occupations, and businesses—Determination by rule.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The department is required to set fees for each professional, occupational, or business licensing program at a sufficient level to defray the costs of administering that program. Many of these programs have not seen an increase in fees for some time, some since as far back as 1990. Current fees are insufficient to sustain these programs. The department is considering fee increases that would go into effect the summer of 2022.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: Not applicable.

Process for Developing New Rule: Negotiated rule making.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Ellis Starrett, 1125 Washington Street S.E., Olympia, WA 98504, phone 360-902-3846.

January 19, 2022

Ellis Starrett

Rules and Policy Manager

WSR 22-03-103

PREPROPOSAL STATEMENT OF INQUIRY

DEPARTMENT OF LICENSING

[Filed January 19, 2022, 11:35 a.m.]

Subject of Possible Rule Making: Real estate appraisers, chapter 308-125 WAC.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 43.24.086 Fee policy for professions, occupations, and businesses—Determination by rule.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The department is required to set fees for each professional, occupational, or business licensing program at a sufficient level to defray the costs of administering that program. The appraiser's program has not seen an increase in fees since 2010, except for two fees that saw a \$2.00 and \$3.00 fee increase for inactive license renewals and a reinstatement penalty in 2020. The department is considering fee increases that would go into effect the summer of 2022.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: Not applicable.

Process for Developing New Rule: Negotiated rule making.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Ellis Starrett, 1125 Washington Street S.E., Olympia, WA 98504, phone 360-902-3846.

January 19, 2022

Ellis Starrett

Rules and Policy Manager

WSR 22-03-104

PREPROPOSAL STATEMENT OF INQUIRY

DEPARTMENT OF LICENSING

[Filed January 19, 2022, 11:35 a.m.]

Subject of Possible Rule Making: Cemeteries, chapter 308-48 WAC, specifically sections that reference fees. Funeral directors and embalmers, chapter 308-48 WAC, specifically sections that reference fees.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 43.24.086 Fee policy for professions, occupations, and businesses—Determination by rule.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The department is required to set fees for each professional, occupational, or business licensing program at a sufficient level to defray the costs of administering that program. These programs last saw an increase in fees in 2017. Current fees are insufficient to sustain these programs. The department is considering fee increases that would go into effect the summer of 2022.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: Not applicable.

Process for Developing New Rule: Negotiated rule making.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Ellis Starrett, 1125 Washington Street S.E., Olympia, WA 98504, phone 360-902-3846.

January 19, 2022
Ellis Starrett
Rules and Policy Manager

WSR 22-03-105

PREPROPOSAL STATEMENT OF INQUIRY

DEPARTMENT OF LICENSING

[Filed January 19, 2022, 11:36 a.m.]

Subject of Possible Rule Making: Geologists, chapter 308-15 WAC, specifically sections that refer to fees.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 43.24.086 Fee policy for professions, occupations, and businesses —Determination by rule.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The department is required to set fees for each professional, occupational, or business licensing program at a sufficient level to defray the costs of administering that program. This program last saw an increase in fees in 2017. Current fees are insufficient to sustain these programs. The department is considering fee increases that would go into effect the summer of 2022

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: Not applicable.

Process for Developing New Rule: Negotiated rule making.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Ellis Starrett, 1125 Washington Street S.E., Olympia, WA 98504, phone 360-902-3846.

January 19, 2022

Ellis Starrett

Rules and Policy Manager